

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

LAWRENCE RODRIGUEZ, STEVEN J.
DURAN, ROSE MARIE NEAL, and GREG
MIERA,

On behalf of themselves and other Present and
former City employees,

Cause No. 1:07-cv-00901

Plaintiffs,

v.

CITY OF ALBUQUERQUE,

Defendant.

DEFENDANT'S OFFER OF JUDGMENT

Defendant City of Albuquerque, by its attorneys and pursuant to Rule 68 of the Federal Rules of Civil Procedure, hereby offers to allow judgment to be taken against it and in favor of Plaintiffs in the following amounts LAWRENCE RODRIGUEZ in the amount of six hundred dollars (\$600.00), ROSE MARIE NEAL in the amount of two hundred dollars (\$200.00), STEVEN J. DURAN in the amount of fifty dollars (\$50.00), GREG MIERA in the amount of fifty dollars (\$50.00) for a total of nine hundred dollars (\$900.00), exclusive of attorneys fees and costs, to and including the date of acceptance of this offer. Defendant specifically intends this offer of judgment to preclude any subsequent claim for costs or attorneys' fees by Plaintiffs

This offer is made for the purposes specified in Rule 68 of the Federal Rules of Civil Procedure, and is not to be construed as an admission of any of the allegations contained in the Complaint, that Defendant is in any manner liable in this action, or that Plaintiff has suffered any damages.

Pursuant to Rule 68, this offer must be accepted in writing, if at all, within ten (10) days after service of the offer of judgment. If the offer is accepted, the litigation will terminate upon the Clerk's entry of judgment. If this offer is not accepted within that period of time, it shall be deemed withdrawn. Failure to accept this offer will result in Plaintiff paying his own costs and any attorneys' fees incurred after the making of the offer if his ultimate recovery is less than the amount offered. In addition, Plaintiff may also be liable for Defendant's post-offer costs, as defined by the applicable statutes and laws, which may include attorneys' fees as recoverable costs, if his recovery does not exceed this offer. Evidence of this offer shall not be admissible except in a proceeding to determine costs.

Respectfully Submitted,

Robert M. White
City Attorney

/s/ Electronically signed
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Assistant City Attorneys
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I HEREBY CERTIFY that on the 16th day of January, 2008, I filed the foregoing electronically through the CM/ECF system, which caused the following parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing:

Sam Bregman, Attorney for Plaintiffs
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/s/ Michael I. Garcia
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